

By John Chisum

H.B. No. 1295

A BILL TO BE ENTITLED

AN ACT

relating to adoption of the Interstate Compact on Agricultural Grain Marketing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 3, Agriculture Code, is amended by adding Chapter 45 to read as follows:

CHAPTER 45. INTERSTATE COMPACT ON AGRICULTURAL
GRAIN MARKETING

Sec. 45.001. ADOPTION AND TERMS OF INTERSTATE COMPACT. The Interstate Compact on Agricultural Grain Marketing is adopted by this state and entered into with all jurisdictions legally adopting it in form substantially as follows:

INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING

ARTICLE I. PURPOSE

It is the purpose of this compact to protect, preserve, and enhance:

(a) the economic and general welfare of citizens of the joining states engaged in the production and sale of agricultural grains;

(b) the economies and very existence of local communities in such states, the economies of which are dependent upon the production and sale of agricultural grains; and

(c) the continued production of agricultural grains in such states in quantities necessary to feed the increasing

1 population of the United States and the world.

2 ARTICLE II. DEFINITIONS

3 As used in this compact:

4 (a) "State" means any state of the United States in
5 which agricultural grains are produced for the markets of the
6 nation and world.

7 (b) "Agricultural grains" means wheat, durum, spelt,
8 triticale, oats, rye, corn, barley, buckwheat, flaxseed, safflower,
9 sunflower seed, soybeans, sorghum grains, peas, and beans.

10 ARTICLE III. COMMISSION

11 (a) Organization and Management

12 (1) There is hereby created an agency of the member
13 states to be known as the Interstate Agricultural Grain Marketing
14 Commission, hereinafter called the commission. The commission
15 shall consist of three residents of each member state who shall
16 have an agricultural background and who shall be appointed as
17 follows: (A) one member appointed by the governor, who shall serve
18 at the pleasure of the governor; (B) one senator appointed in the
19 manner prescribed by the senate of such state, except that two
20 senators may be appointed by the governor of the State of Nebraska
21 from the unicameral legislature of the State of Nebraska; and (C)
22 one member of the house of representatives appointed in the manner
23 prescribed by the house of representatives of such state. The
24 member first appointed by the governor shall serve for a term of
25 one year and the senator and representative first appointed shall
26 each serve for a term of two years; thereafter all members
27 appointed shall serve for two-year terms. The attorneys general of

1 member states or assistants designated thereby shall be nonvoting
2 members of the commission.

3 (2) Each member shall be entitled to one vote. A
4 member must be present to vote and no voting by proxy shall be
5 permitted. The commission shall not act unless a majority of the
6 voting members are present, and no action shall be binding unless
7 approved by a majority of the total number of voting members
8 present.

9 (3) The commission shall be a body corporate of each
10 member state and shall adopt an official seal to be used as it may
11 provide.

12 (4) The commission shall hold an annual meeting and
13 such other regular meetings as its bylaws may provide and such
14 special meetings as its executive committee may determine. The
15 commission bylaws shall specify the dates of the annual and any
16 other regular meetings, and shall provide for the giving of notice
17 of annual, regular, and special meetings. Notices of special
18 meetings shall include the reasons therefor and an agenda of the
19 items to be considered.

20 (5) The commission shall elect annually, from among
21 its voting members, a chairperson, a vice-chairperson, and a
22 treasurer. The commission shall appoint an executive director who
23 shall serve at its pleasure, and shall fix the duties and
24 compensation of such director. The executive director shall be
25 secretary of the commission. The commission shall make provision
26 for the bonding of such of its officers and employees as it may
27 deem appropriate.

1 (6) Irrespective of the civil service, personnel, or
2 other merit system laws of any member state, the executive director
3 shall appoint or discharge such personnel as may be necessary for
4 the performance of the functions of the commission and shall fix,
5 with the approval of the commission, their duties and compensation.
6 The commission bylaws shall provide for personnel policies and
7 programs. The commission may establish and maintain, independently
8 of or in conjunction with any one or more of the member states, a
9 suitable retirement system for its full-time employees. Employees
10 of the commission shall be eligible for social security coverage in
11 respect of old age and survivors insurance, provided that the
12 commission takes such steps as may be necessary pursuant to federal
13 law to participate in such program of insurance as a governmental
14 agency or unit. The commission may establish and maintain or
15 participate in such additional programs of employee benefits as may
16 be appropriate. The commission may borrow, accept, or contract for
17 the services of personnel from any state, the United States, or any
18 other governmental entity.

19 (7) The commission may accept for any of its purposes
20 and functions any and all donations and grants of money, equipment,
21 supplies, materials, and services, conditional or otherwise, from
22 any governmental entity, and may utilize and dispose of the same.

23 (8) The commission may establish one or more offices
24 for the transacting of its business.

25 (9) The commission shall adopt bylaws for the conduct
26 of its business. The commission shall publish its bylaws in
27 convenient form, and shall file a copy of the bylaws and any

1 amendments thereto with the appropriate agency or officer in each
2 of the member states.

3 (10) The commission annually shall make to the
4 governor and legislature of each member state a report covering its
5 activities for the preceding year. Any donation or grant accepted
6 by the commission or services borrowed shall be reported in the
7 annual report of the commission, and shall include the nature,
8 amount, and conditions, if any, of the donation, gift, grant, or
9 services borrowed and the identity of the donor or lender. The
10 commission may make additional reports as it may deem desirable.

11 (b) Committees

12 (1) The commission may establish such committees from
13 its membership as its bylaws may provide for the carrying out of
14 its functions.

15 ARTICLE IV. POWERS AND DUTIES OF COMMISSION

16 (a) The commission shall conduct comprehensive and
17 continuing studies and investigations of agricultural grain
18 marketing practices, procedures, and controls, and their
19 relationship to and effect upon the citizens and economies of the
20 member states.

21 (b) The commission shall make recommendations for the
22 correction of weaknesses and solutions to problems in the present
23 system of agricultural grain marketing or the development of
24 alternatives thereto, including the development, drafting, and
25 recommendation of proposed state or federal legislation.

26 (c) The commission is hereby authorized to do all things
27 necessary and incidental to the administration of its functions

1 under this compact.

2 ARTICLE V. FINANCE

3 (a) The commission shall submit to the governor of each
4 member state a budget of its estimated expenditures for such period
5 as may be required by the laws of that state for presentation to
6 the legislature thereof.

7 (b) The money necessary to finance the general operations of
8 the commission not otherwise provided for in carrying forth its
9 duties, responsibilities, and powers as stated herein shall be
10 appropriated to the commission by the member states, when
11 authorized by the respective legislatures. Appropriations by
12 member states for the financing of the operations of the commission
13 in the initial biennium of the compact shall be in the amount of
14 \$50,000 for each member state; thereafter the total amount of
15 appropriations requested shall be apportioned among the member
16 states in the manner determined by the commission. Failure of a
17 member state to provide its share of financing shall be cause for
18 the state to lose its membership in the compact.

19 (c) The commission shall not incur any obligations of any
20 kind prior to the making of appropriations adequate to meet the
21 same; nor shall the commission pledge the credit of any of the
22 member states, except by and with the authority of the member
23 state.

24 (d) The commission shall keep accurate accounts of all
25 receipts and disbursements. The receipts and disbursements of the
26 commission shall be subject to the audit and accounting procedures
27 established under its bylaws. However, all receipts and

1 disbursements of funds handled by the commission shall be audited
2 yearly by a certified or licensed public accountant and the report
3 of the audit shall be included in and become part of the annual
4 report of the commission.

5 (e) The accounts of the commission shall be open for
6 inspection at any reasonable time.

7 ARTICLE VI. ELIGIBLE PARTIES, ENTRY INTO FORCE,
8 WITHDRAWAL, AND TERMINATION

9 (a) Any agricultural grain marketing state may become a
10 member of this compact.

11 (b) This compact became effective initially on July 1, 1988,
12 after its enactment into law by the states of Iowa, Minnesota,
13 Nebraska, New Mexico, and Wyoming, and shall become effective in
14 additional states upon their enactment of it into law.

15 (c) Any member state may withdraw from this compact by
16 enacting a statute repealing the compact, but such withdrawal shall
17 not become effective until one year after the enactment of such
18 statute and the notification of the commission thereof by the
19 governor of the withdrawing state. A withdrawing state shall be
20 liable for any obligations which it incurred on account of its
21 membership up to the effective date of withdrawal, and if the
22 withdrawing state has specifically undertaken or committed itself
23 to any performance of an obligation extending beyond the effective
24 date of withdrawal, it shall remain liable to the extent of such
25 obligation.

26 (d) This compact shall terminate one year after the
27 notification of withdrawal by the governor of any member state

1 which reduces the total membership in the compact to less than five
2 states.

3 SECTION 2. The importance of this legislation and the
4 crowded condition of the calendars in both houses create an
5 emergency and an imperative public necessity that the
6 constitutional rule requiring bills to be read on three several
7 days in each house be suspended, and this rule is hereby suspended,
8 and that this Act take effect and be in force from and after its
9 passage, and it is so enacted.

H. B. No. 1295

Dawn Chisum
By _____

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relating to adoption of the Interstate Compact on Agricultural Grain Marketing.

FEB 20 1989

1. Filed with the Chief Clerk.

MAR 2 1989

2. Read first time and Referred to Committee on

State Affairs

3. Reported _____ favorably (as amended)
(as substituted) and sent to Printer at _____

4. Printed and distributed at _____

5. Sent to Committee on Calendars at _____

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)
(Record Vote of _____ yeas, _____ nays, _____
present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas,
_____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed
to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____
present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote
of _____ yeas, _____ nays, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed
prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____
nays, and _____ present, not voting).

12. Ordered Engrossed at _____

13. Engrossed.

14. Returned to Chief Clerk at _____

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on _____

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read
first time.

20. Ordered not printed.

21. Regular order of business suspended by
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

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Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments.)
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) (Substitute) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____